



Agenda Date: 11/8/01

Agenda Item: IIIA

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF SOUTH)
JERSEY, INC. FOR A CERTIFICATE OF)
APPROVAL TO CONTINUE TO CONSTRUCT,)
OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN AND FOR THE)
TOWNSHIP OF PENNSVILLE, COUNTY OF)
SALEM, STATE OF NEW JERSEY)

RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE01050322

Stryker, Tams & Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Township Clerk, Township of Pennsville, New Jersey, by Cynthia Lewis, for the Township.

BY THE BOARD:

On August 22, 1974, the Board granted Tri-County Cable Television Company ("Tri-County") a Certificate of Approval in Docket No. 735C-5034, for the construction, operation and maintenance of a cable television system in the Township of Pennsville ("Township"). On April 15, 1981, the Board granted Tri-County a Renewal Certificate of Approval for the Township in Docket No. 803C-6661. On May 1, 1996, the Board approved the transfer of the Certificate of Approval for the Township from Tri-County to Lenfest Atlantic, Inc. ("Lenfest") in Docket No. CM95110598. On September 25, 1996, the Board granted Lenfest a Renewal Certificate of Approval for the Township in Docket No. CE96070506. On January 18, 2000, the Board approved the sale of Lenfest to Comcast Cable Communications, Inc. ("Comcast") in Docket No. CM99110855. On or about September 13, 2000, Lenfest formally changed its name to Comcast Cablevision of South Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on April 15, 2001, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Township on July 14, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearings, adopted an ordinance granting renewal municipal consent to the Petitioner on April 5, 2001. The Petitioner formally accepted the terms and conditions of the ordinance on April 16, 2001, in accordance with N.J.S.A. 48:5A-24.

On May 16, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application

for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is fifteen years with an automatic renewal provision for a term of ten years thereafter pursuant to N.J.S.A. 48:5A-19 and -25. The Office of Cable Television finds these periods to be of reasonable duration.
5. The Township has reserved the right to review the Petitioner's performance with regard to the ordinance. In the event that the Township shall find that the Petitioner has not substantially complied with the material terms and conditions of the ordinance, the Township shall have the right to petition the Board for appropriate administrative action, pursuant to N.J.S.A. 48:5A-47, provided however, that the Township shall first have given the Petitioner written notice of all alleged instances of non-compliance and an opportunity to cure same within 90 days of that notification. If, after such reasonable notice and opportunity to cure, the Petitioner has not cured any such findings of non-compliance, the Township may petition the Board for appropriate administrative action including modification and/or termination of the Certificate of Approval.
6. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
7. The Petitioner has completed an upgrade of the cable television system serving the Township to 750 MHz.
8. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
9. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance must specify a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

10. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 1846 N.W. Boulevard, in the City of Vineland.
11. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
12. The Petitioner shall provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the municipal consent ordinance. Currently, the Petitioner provides one channel for PEG access that is shared with the Petitioner's local origination channel.
13. Within six months of issuance of this Certificate, the Petitioner shall provide to the Township a capital contribution of \$20,000.00, to be utilized as the Township deems appropriate for the cable related needs of the Township.
14. The Petitioner shall provide Total Preferred cable television service on one outlet, free of charge, to each public and private school in the Township, provided the school is located within 175 feet of the active distribution system. The school shall pay for any additional outlet installed by the Petitioner. The Petitioner shall waive monthly service charges for any additional outlets.
15. The Petitioner shall provide Total Preferred cable television service on one outlet, free of charge, to each of the following: a) police and fire station; b) emergency management facility; and c) public library in the Township, provided the facility is located within 175 feet of the active distribution system. The Township shall pay for each additional outlet to any of the above facilities; however, the Petitioner shall waive monthly service charges for additional outlets.
16. The Petitioner shall report to the Township, upon written request, its efforts to meet or exceed voluntary company and industry standards in the delivery of customer service.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on April 15, 2016.

DATED: November 8, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

CONNIE O. HUGHES
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY